

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

Jason Goode

v.

William Faneuff, et al.

PRISONER  
Case No. 3:04CV1524 (WWE)

RULING AND ORDER

Pending before the court is plaintiff's motion for summary judgment. For the reasons set forth below, the motion will be denied.

On August 18, 2006, the court issued an order permitting the plaintiff until September 20, 2006, to serve any requests for production, interrogatories or requests for admissions on the three defendants in this action and directing counsel for the defendants to respond to any discovery requests by October 20, 2006 and to file a notice of compliance as to those requests by October 30, 2006.

The plaintiff argues that he is entitled to summary judgment because the defendants have failed to respond to his Request for Admissions dated August 30, 2006. Local Rule 56(a)1 provides: "There shall be annexed to a motion for summary judgment a document entitled 'Local Rule 56(a)1 Statement,' which sets forth in separately numbered paragraphs a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried." D. Conn. L. Civ. R. 56(a)1. In addition,

"[e]ach statement of material fact in a Local Rule 56(a) Statement . . . must be followed by a citation to (1) the affidavit of a witness competent to testify as to the facts at trial and/or (2) evidence that would be admissible at trial." D. Conn. L. Civ. R. 56(a)3.

The plaintiff's motion is deficient as it is not accompanied by a Local Rule 56(a)1 Statement. Even if the court were to construe the motion as a motion to compel, plaintiff has failed to attach a copy of his Request for Admissions to his motion or include a certification that he made an attempt to confer with opposing counsel in a good faith effort to resolve the discovery dispute without the intervention of the court as required by Rule 37(a)2 and 3, D. Conn. L. Civ. R. The Motion for Summary Judgment [doc. # 40] is **DENIED**.

Counsel for the defendants has represented to the court that she has responded to plaintiff's August 30, 2006 Request for Admissions. Counsel is directed to file a notice of compliance with the court within twenty days of the date of this order. In addition, if counsel seeks to re-assert the arguments in the motion for summary judgment filed on November 15, 2005, and denied without prejudice by the court on August 18, 2006, she must re-file the motion, memorandum in support of the motion and Local Rule 56(a)1 Statement. Counsel may refer the court to the affidavits and other documentary evidence submitted in support of the prior motion without re-filing those documents. Any motions for summary

judgment shall be filed within thirty days of the date of this order. If no motions are filed, the case will be set down for trial.

SO ORDERED this \_\_\_\_29th\_\_\_\_ day of August, 2007, at  
Bridgeport, Connecticut.

\_\_\_\_\_/s/\_\_\_\_\_  
Warren W. Eginton  
Senior United States District Judge